

SENATE BILL 1257

By Yager

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to all-terrain vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-3-101, is amended by adding the following language as a new subsection:

(d) All terrain vehicles may be registered with the department in accordance with Section 7 of this act. For purposes of this title, "all terrain vehicle" means either:

(1) A motorized flotation-tire vehicle with no less than four (4) low-pressure tires, but no more than six (6) low-pressure tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

(2) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.) and that has a non-straddle seating and a steering wheel.

SECTION 2. Tennessee Code Annotated, Section 55-4-111(a)(1), is amended by adding the following language:

Class (H) All terrain vehicles – registration fee \$11.25

SECTION 3. Tennessee Code Annotated, Section 55-4-202(a), is amended by adding the following language as a new subdivision:

(19) All terrain vehicle as defined in § 55-3-101(d);

SECTION 4. Tennessee Code Annotated, Section 55-4-203(a), is amended by adding the following language as a new subdivision:

(15) All terrain vehicle as defined in § 55-3-101(d), pursuant to § 55-4-111(a)(1) --- Class (H) and as provided for in Section 7 of this act;

SECTION 5. Tennessee Code Annotated, Section 55-4-209, is amended by adding the following language as a new, appropriately designated subdivision:

() "All terrain vehicle plate" or "all terrain vehicle license plate" means those motor vehicle registration plates, as enumerated in § 55-4-202(a)(19) and described in Section 7 of this act, that are issued to all terrain vehicles as defined in § 55-3-101(d);

SECTION 6. Tennessee Code Annotated, Section 55-4-210, is amended by adding the following language as a new subsection thereto:

(f)

(1) The department is authorized to design and issue, or to authorize a designee to issue:

(A) All terrain vehicle plates for all terrain vehicles registered by residents of this state. Notwithstanding any other law to the contrary, an all terrain vehicle plate shall be nonrenewable and nontransferable and shall become invalid when the vehicle for which it was issued is sold, the ownership of the vehicle is transferred, or the vehicle is dismantled; and

(B) All terrain vehicle temporary permits in lieu of plates for all terrain vehicles registered by nonresidents; provided, however, that a nonresident may apply directly to the department for an all terrain vehicle plate. An all terrain vehicle temporary permit shall be valid for thirty (30) days.

(2) The department is authorized to contract with county clerks and with private vendors for the issuance of all terrain vehicle plates and all terrain temporary permits.

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following language as a new section:

55-4-____.

(a)

(1) An owner or lessee of an all terrain vehicle who is a resident of Tennessee shall be issued an all terrain vehicle license plate authorized for all terrain vehicles by § 55-4-210(f) upon:

(A) Compliance with the applicable provisions of chapters 1-3, this chapter, and chapters 5 and 6 of this title, including applications for title, and with rules promulgated by the department; and

(B) Payment of a fee of eleven dollars and twenty-five cents (\$11.25).

(2) Eight dollars (\$8.00) of the fee imposed by subdivision (a)(1) shall be apportioned in the following manner:

(A) Seven dollars (\$7.00) of the fee shall be placed into the dedicated fund established pursuant to Section 9 of this act; and

(B) One dollar (\$1.00) of the fee shall be paid to the Tennessee Association of Rescue Squads.

(b)

(1) An owner or lessee of an all terrain vehicle who is a not a resident of Tennessee, upon complying with rules promulgated by the department and paying both a fee equal in amount to four dollars (\$4.00) and a fee equal to the cost of designing and manufacturing the permit, shall be issued an all terrain

vehicle temporary permit authorized for all terrain vehicles by § 55-4-210(f); provided, however, that in the event the temporary permit is issued through the offices of the county clerks of the state or a vendor selected by the department an additional fee of two dollars (\$2.00) shall be imposed and retained by the clerks or by the vendor as compensation for services.

(2) The four dollar (\$4.00) fee imposed by subdivision (1)(b) shall be apportioned in the following manner:

(A) Three dollars and fifty cents (\$3.50) of the fee shall be placed into a dedicated fund established pursuant to Section 9 of this act; and

(B) Fifty cents (50¢) of the fee shall be paid to the Tennessee association of rescue squads.

(c) No motor vehicle taxes authorized by § 5-8-102 may be imposed upon an all terrain vehicle that is operated or driven upon a highway in accordance with Section 8 of this act.

(d) As a condition precedent to operating an all terrain vehicle upon the road or highway in this state the operator shall comply with chapter 12 of this title relative to financial responsibility.

SECTION 8. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as new, appropriately designated sections:

55-8-____.

(a) All terrain vehicles registered pursuant to Section 7 of this act may be operated or driven upon a highway in accordance with this section; provided, however, no all terrain vehicle shall be operated on any:

(1) Highway that is a part of the interstate and defense highway system;

or

(2) Highway having more than two (2) lanes, except for the purpose of crossing such highway in accordance with subsection (b).

(b) An all terrain vehicle may, for the purpose of crossing from one (1) road, field or area of operation to another, be operated upon any road, street or highway if:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(4) Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped.

(c) An all terrain vehicle may also be operated on any road, street or highway having two (2) lanes or less that connects to businesses for the sole and specific purpose of acquiring fuel, food or shelter, if:

(1) The vehicle is operated at a speed of twenty-five miles per hour (25 m.p.h.) or less;

(2) Such road, street or highway is designated by a municipality or county and marked in accordance with the following:

(A) The governing body of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of all terrain vehicles upon any street, road or highway solely under the municipality's jurisdiction; provided, that such municipality provides written notification to the department of safety prior to the effective date of the

ordinance and posts appropriate signage designating such street, road or highway for all terrain vehicle use;

(B) The governing body of any county may by lawfully enacted resolution regulate or prohibit the operation of all terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides written notification to the department of safety prior to such resolution becoming effective and posts appropriate signage designating such street, road or highway for all terrain vehicle use. A county may charge a fee to an operator of an all terrain vehicle, no more than twenty-five dollars (\$25.00) annually, for the use and marking of any such street, road, or highway. A fee imposed by a county pursuant to this subdivision (c)(2) (B) is valid in all other counties and no operator shall be compelled to pay more than one (1) county fee; and

(C) Homeowner associations may petition the local legislative body for an ordinance or resolution to regulate or prohibit the operation of all terrain vehicles upon any street, road or highway within the area regulated by the homeowner association. Appropriate signage shall be posted designating the areas where such vehicles may be operated. For the purposes of this section "homeowners' association" means a nonprofit corporation created by a real estate developer that manages or contracts for the management of the common areas of a residential multi-family housing development. A homeowners' association is governed by a board of directors elected by a majority vote of the individual homeowners;

(3) The vehicle is operated only between one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset, and the headlight and taillight shall be illuminated during such operation;

(4) The number of passengers on such vehicle does not exceed the manufacturers' recommendations;

(5) Passengers must be at least twelve (12) years of age. Any passenger under the age of sixteen (16) shall only ride in a vehicle as provided in § 55-3-101(c)(2) that has a roll bar and such passenger shall wear a certified safety helmet, eye protection and a seat belt;

(6) Every person riding an all terrain vehicle upon a highway pursuant to this section shall obey all of the duties applicable to the driver of a motor vehicle by chapter 8, part 1 and chapter 10, parts 1-5 of this title, except as to those provisions that by their nature can have no application;

(7)

(A) Except as provided by law, the operator of an all terrain vehicle shall wear a helmet while driving or operating such vehicle on a highway;

(B) A person using an all terrain vehicle while commuting for the purpose of hunting who is in possession of a valid hunting license shall not be required to wear a helmet;

(8) The vehicle is equipped with a manufacturer-installed or equivalent spark arrester and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; and

(9) The operator shall:

(A) Be at least sixteen (16) years of age and possess a valid driver license from this state or an equivalent license from another state;

(B) Ensure that all passengers comply with § 55-9-302; and

(C) Otherwise comply with this chapter.

(d) Any person or entity renting or leasing all terrain vehicles for recreational purposes shall provide helmets conforming to § 55-9-302 to all users.

(e) Except where allowed upon the effective date of this act, all terrain vehicle use is prohibited in state parks and state natural areas.

(f) A violation of subsections (a) - (e) is a Class C misdemeanor.

(g) State and local government agencies are encouraged to make state forest access roads that are posted for four-wheel drive vehicles, currently being used by other licensed vehicles in locations where the areas are managed, available for use by all terrain vehicles. Such government agencies are also encouraged to coordinate with local counties and municipalities to make such right-of-ways available for all terrain vehicle tourism and allow access to these remote areas by the disabled and the elderly.

(h) Operation of the following all terrain vehicles shall be exempt from the licensing, registration and safety requirements of Sections 7 and 8 of this act:

(1) An all terrain vehicle operated on any private or public recreational trail or area;

(2) An all terrain vehicle operated on an affiliated trail or area operated by a person or entity which has in place a safety program;

(3) All terrain vehicles operated for agricultural purposes;

(4) Publicly-owned and operated all terrain vehicles that are used for management, law enforcement, emergency services and other such purposes;
and

(5) All terrain vehicles operated pursuant to § 55-8-185.

55-8-____.

(a) Any authorized person operating an all terrain vehicle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

(1) When overtaking and passing another vehicle proceeding in the same direction;

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, "substandard width lane" means a lane that is too narrow for an all terrain vehicle and another vehicle to travel safely side by side within the lane.

(b) Persons riding all terrain vehicles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of all terrain vehicles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(c) The operator of a motor vehicle, when overtaking and passing an all terrain vehicle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the all terrain vehicle of not less than three feet (3') and shall maintain the clearance until safely past the overtaken all terrain vehicle.

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following language as a new section:

55-4-____.

(a)

(1) Seven dollars (\$7.00) from each fee collected pursuant to Section 7(a)(1) and three dollars and fifty cents (\$3.50) from each fee collected pursuant to Section 7(b)(1) of this act shall be placed into a dedicated fund. This dedicated fund shall be administered by the department of environment and conservation, which may use up to ten percent (10%) of the revenue each fiscal year for staff and other expenses to administer the fund. The dedicated fund shall be available to make grants to state, federal or local governments or non-profit organizations qualified under § 501(c)(3) of the internal revenue code only for trails on public property to carry out the purposes of this chapter, including but not limited to, the purposes of acquiring a fee simple or other interest in real property, the construction of all terrain vehicle trails, and the maintenance of existing all terrain vehicle trails. Any such grants shall be divided equally among the three (3) grand divisions of the state; provided, that if, after the department notifies local governments and governmental agencies of the availability of such grants, there are grant funds remaining, the department may award additional grants to recipients in a different grand division of the state.

(b) In administering the process for the grants authorized in this section, the commissioner may set the requirements for applications, the criteria for awarding them, and the conditions for the receipt of such funds as deemed appropriate to protect the public interest.

(c) Any unencumbered moneys and any unexpended balance of the fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward and maintained in separate accounts until expended in accordance with the provisions of this part.

(d) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund, allocated proportionately to each separate account.

(e) Moneys in the fund shall be invested by the state treasurer for the benefit of the fund pursuant to § 9-4-603. The fund shall be administered by the commissioner.

SECTION 10. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect March 1, 2012, the public welfare requiring it.